IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:10cv164

JAMES SCOTT TINSLEY,)
Plaintiff,)
vs.	ORDER OF REMAND
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)
	,

THIS MATTER is before the Court on the parties' Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 15].

Sentence four of 42 U.S.C. §405(g) provides in pertinent part, "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties have moved for reversal of the decision of the Defendant and remand for further administrative proceedings.

Specifically, the parties ask that the Appeals Council re-open the subsequent favorable hearing decision dated March 2, 2011, pursuant to the Commissioner's authority under 20 C.F.R. §§ 404.988, 416.1488,

and consolidate that claim with the instant case for review and reconciliation by the ALJ.

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

IT IS, THEREFORE, ORDERED that the parties' Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 15] is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and

IT IS FURTHER ORDERED that upon remand, the Appeals Council the Appeals Council will re-open the subsequent favorable hearing decision dated March 2, 2011, pursuant to the Commissioner's authority under 20 C.F.R. §§ 404.988, 416.1488, and consolidate that claim with the instant case for review and reconciliation by the ALJ. A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is Signed: August 15, 2011 a final judgment closing the case.

Martin Reidinger